

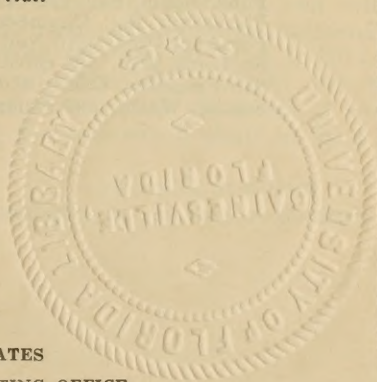
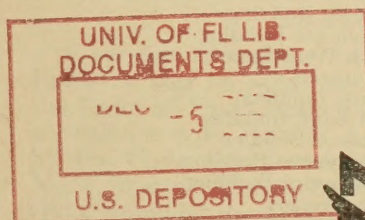
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS COAL INDUSTRY

AS APPROVED ON MARCH 31, 1934

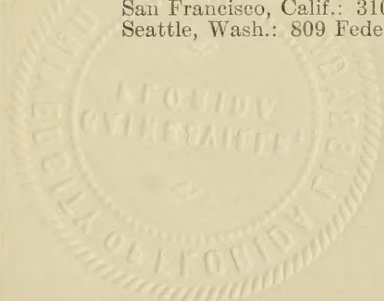


UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1934

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Approved Code No. 24—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS COAL INDUSTRY

As Approved on March 31, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

A serious emergency being threatened in the Bituminous Coal Industry and an application for the approval of an amendment to the Code of Fair Competition for the Bituminous Coal Industry in accordance with Exhibit A hereto annexed having been duly made by the Code Authorities for the Eastern Sub-Division of Division No. I, Western Pennsylvania, Sub-division of Division No. I and for Ohio, pursuant to Article IX of said Code, and it appearing to me that such amendment will tend to effectuate the policy of Title I of the National Industrial Recovery Act; and is necessary in this emergency:

Pursuant to the authority vested in me under said Title of said Act and under said Code, by Executive Orders of the President, including Executive Order No. 6543-A dated December 30, 1933, and otherwise, it is hereby ordered that said application for amendment of said code be and it hereby is approved effective on April 1, 1934, in words and figures as set forth in said Exhibit A hereto annexed, subject to modification by my further order on the basis of cause shown, either at a public hearing thereon which shall be held on April 9, 1934, or otherwise.

HUGH S. JOHNSON,

Administrator for Industrial Recovery.

WASHINGTON, D.C.,

March 31, 1934.

EXHIBIT "A"

Resolved, That amendments to Article III and Article IV of the Code of Fair Competition for the Bituminous Coal Industry by and the same hereby are proposed, to be and to become effective generally, so that said Articles III and IV will read as follows:

ARTICLE III—MAXIMUM HOURS OF LABOR

No employee, except members of the executive, supervisory, technical and confidential personnel, shall be employed in excess of seven hours per day and five days per week, subject to the exceptions hereinafter stated.

Seven hours of labor shall constitute a day's work and this means seven hours work at the usual working places for all classes of labor, exclusive of the lunch period, whether they be paid on the day or the tonnage or other piecework basis; except in cases of accident which temporarily necessitate longer hours for those required on account thereof; and also excepting that number of workers in each mine whose daily work includes the handling of man-trips and those required to remain on duty while men are entering and leaving the mine.

The following classes of mine workers are exempted from the provisions as to the maximum hours of work:

(a) All workers engaged in the transportation of coal shall work the additional time necessary to handle man-trips, and/or haulage animals, and all coal in transit, and shall be paid the regular hourly rates. Mine workers engaged in the dumping, handling and preparation of coal, and in the manufacture of coke, shall work the additional time necessary, not to exceed thirty minutes, to dump and prepare the coal delivered to the tippie each day and to complete the usual duties incidental to the operation of coke ovens, and shall be paid the regular hourly rates. This rule shall not encourage the working of such overtime except where it is necessary to take care of the conditions named.

(b) Employees engaged at power houses, substations and pumps operating continuously for 24 hours daily are especially exempted from the seven-hour provision. Special exemptions of employees other than those named above may be provided, by joint agreements negotiated in accordance with this code, which shall not provide for work in excess of 8 hours per day and 40 hours per week.

ARTICLE IV—MINIMUM RATES OF PAY

From April 1, 1934 to April 1, 1935 the basic minimum rate for inside skilled labor and the basic minimum rate for outside common labor shall be the rate hereinafter set forth in Schedule "A" for each district therein described for each such classification of labor, with the understanding that other classifications of employment will maintain their customary differentials above or below said basic minimum rates.

To secure the parity between minimum rates for day labor and minimum pay for work performed on a tonnage or other piece work basis, the latter shall be determined by the following increases over existing

rates in all of the Districts of Schedule "A" except as hereinafter expressly provided:

On the basis of the 2,000 pound ton, an increase of 10 cents per ton for pick mining; 8 cents per ton for machine mining; an increase of 1 cent per ton for cutting, and for all yardage and dead-work rates an increase of 9 percent.

In addition to the increases above provided the minimum rates for tonnage and other piecework in Districts B, G, H, J and J-1, shall be further increased by an amount sufficient to maintain the parity between pay for such tonnage and piece work and the basic minimum rates for day labor as prescribed for such Districts in Schedule "A".

SCHEDULE A

| | Basic minimum rates | | | |
|--|-----------------------------------|------------------------|--|------------------------|
| | Minimum inside (Skilled Labor) | | Minimum out- side (Common Labor) | |
| | Per day | Per hour | Per day | Per hour |
| District A: | | | | |
| Pennsylvania..... | \$5.00 | \$0.71 $\frac{1}{2}$ ¢ | \$4.00 | \$0.57 $\frac{1}{2}$ ¢ |
| Ohio..... | 5.00 | .71 $\frac{1}{2}$ ¢ | 4.00 | .57 $\frac{1}{2}$ ¢ |
| Lower Peninsula of Michigan..... | 5.00 | .71 $\frac{1}{2}$ ¢ | 4.00 | .57 $\frac{1}{2}$ ¢ |
| Panhandle District of W. Va. ¹ | 5.00 | .71 $\frac{1}{2}$ ¢ | 4.00 | .57 $\frac{1}{2}$ ¢ |
| District B: | | | | |
| Northern West Virginia ² | 5.00 | .71 $\frac{1}{2}$ ¢ | 4.00 | .57 $\frac{1}{2}$ ¢ |
| District C: | | | | |
| Southern West Virginia ³ | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.60 | .51 $\frac{1}{2}$ ¢ |
| Eastern Kentucky ⁴ | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.60 | .51 $\frac{1}{2}$ ¢ |
| Upper Potomac District of W.Va. ⁵ | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.60 | .51 $\frac{1}{2}$ ¢ |
| Maryland..... | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.60 | .51 $\frac{1}{2}$ ¢ |
| Virginia..... | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.60 | .51 $\frac{1}{2}$ ¢ |
| Northern Tennessee ⁶ | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.60 | .51 $\frac{1}{2}$ ¢ |
| District D: | | | | |
| Indiana..... | 4.57 $\frac{1}{2}$ ¢ | .65 $\frac{7}{8}$ ¢ | 4.20 | .60 |
| District E: | | | | |
| Illinois..... | 5.00 | .71 $\frac{1}{2}$ ¢ | 4.00 | .57 $\frac{1}{2}$ ¢ |
| District F: | | | | |
| Iowa ⁷ | 4.70 | .67 $\frac{1}{2}$ ¢ | 4.00 | .57 $\frac{1}{2}$ ¢ |
| Wayne and Appanoose Counties, Iowa..... | 4.56 | .65 $\frac{1}{2}$ ¢ | 4.00 | .57 $\frac{1}{2}$ ¢ |
| District G: | | | | |
| Missouri, Kansas, Arkansas, Oklahoma..... | 4.60 | .65 $\frac{7}{8}$ ¢ | 4.00 | .57 $\frac{1}{2}$ ¢ |
| District H: | | | | |
| Western Kentucky ⁸ | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.75 | .53 $\frac{1}{2}$ ¢ |
| District J: | | | | |
| Alabama..... | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.60 | .51 $\frac{1}{2}$ ¢ |
| Georgia..... | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.60 | .51 $\frac{1}{2}$ ¢ |
| Southern Tennessee, Hamilton and Rhea Counties..... | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.60 | .51 $\frac{1}{2}$ ¢ |
| District J-1: | | | | |
| Marion, Grundy, Sequatchie, White, Van Buren, Warren, and Bledsoe Counties in the State of Tennessee..... | 4.60 | .65 $\frac{7}{8}$ ¢ | 3.60 | .51 $\frac{1}{2}$ ¢ |
| District K: | | | | |
| New Mexico..... | 5.10 | .72 $\frac{3}{4}$ ¢ | 4.10 $\frac{1}{2}$ ¢ | .58 $\frac{3}{4}$ ¢ |
| Southern Colorado ⁹ | 5.10 | .72 $\frac{3}{4}$ ¢ | 4.10 $\frac{1}{2}$ ¢ | .58 $\frac{3}{4}$ ¢ |
| District L: | | | | |
| Northern Colorado ¹⁰ | 5.25 | .75 | 4.25 | .60 $\frac{3}{4}$ ¢ |
| District M: | | | | |
| Utah..... | 5.44 | .77 $\frac{1}{2}$ ¢ | 4.48 | .64 |

¹ Includes Hancock, Brooke, Ohio and Marshall Counties.

² Includes Monongalia, Marion, Harrison, Taylor, Lewis, Barbour, Gilmer, Upshur, Randolph, Braxton, Preston, and Webster Counties and those mines in Nicholas County served by the B. & O. R. R.

³ Includes all mines in counties in West Virginia not named under Districts A and B and the Upper Potomac District.

⁴ Includes all mines in Kentucky located east of a north and south line drawn along the Western boundary of the City of Louisville.

⁵ Includes Grant, Mineral and Tucker Counties.

⁶ Includes all Counties in Tennessee not named under Southern Tennessee in District J and J-1.

⁷ Excludes Wayne and Appanoose Counties.

⁸ Includes all mines in Kentucky west of a north and south line drawn along the western boundary of the City of Louisville.

⁹ Includes all Counties in Colorado not named under District L.

¹⁰ Includes Jackson, Larimer, Weld, Boulder, Adams, Arapahoe, El Paso, Douglas, Elbert and Jefferson Counties.

SCHEDULE A—Continued

| | Basic minimum rates | | | |
|---|-----------------------------------|-------------------------|--|-----------------------|
| | Minimum inside (Skilled Labor) | | Minimum out- side (Common Labor) | |
| | Per day | Per hour | Per day | Per hour |
| District N: | | | | |
| Southern Wyoming..... | \$5.42 | \$0.77 $\frac{1}{10}$ | \$4.44 | \$0.63 $\frac{1}{10}$ |
| Northern Wyoming..... | 5.42 | .77 $\frac{1}{10}$ | 4.54 | .64 $\frac{9}{10}$ |
| District O: | | | | |
| Montana..... | 5.63 | .80 $\frac{5}{10}$ | 4.82 | .68 $\frac{9}{10}$ |
| District P: | | | | |
| Washington..... | 5.40 | .77 $\frac{1}{10}$ | 4.00 | .57 $\frac{1}{10}$ |
| District Q: | | | | |
| North Dakota..... | 4.50 | .64 $\frac{3}{10}$ | 3.70 | .52 $\frac{9}{10}$ |
| | | <i>Tipple Employees</i> | | |
| North Dakota (strip mining, pit labor)..... | 4.50 | .64 $\frac{3}{10}$ | 3.70 | .52 $\frac{9}{10}$ |
| South Dakota..... | 4.50 | .64 $\frac{3}{10}$ | 3.70 | .52 $\frac{9}{10}$ |

NOTE: Differences between districts in the foregoing minimum rates are not to be considered as fixing permanent wage differentials or establishing precedents for future wage scales.

Resolved, That the Chairman of this Code Authority deliver a copy of this resolution to the National Recovery Administration, to the end that it may submit the same to any other Code Authority affected thereby.

Resolved, That the National Recovery Administrator be and he hereby is requested to recommend said amendments for the approval of the President.

Resolved, That the National Recovery Administrator take such steps as may be appropriate to cause said amendments to become effective on April 1, 1934.

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Code Authority for the Eastern Sub-Division of Division No. I under the Bituminous Coal Code at a meeting held by it in Washington, D.C., on the 30th day of March, 1934.

WALTER A. JONES, *Secretary*.

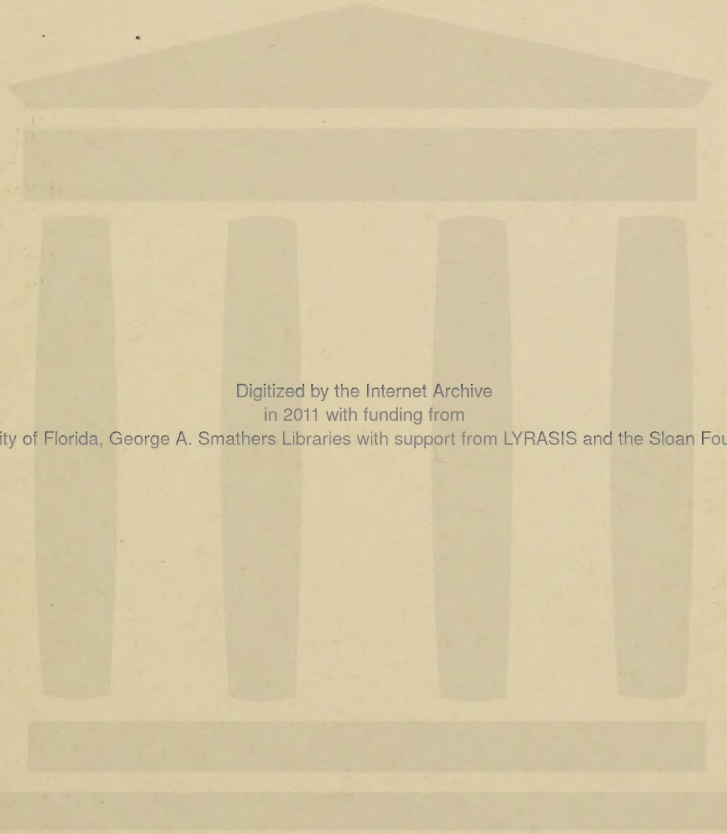
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Code Authority of Western Pennsylvania, Sub-division of Division No. 1 under the Bituminous Coal Code at a meeting held by it in Washington, D.C., on the 30th day of March, 1934.

BYRON H. CANON, *Secretary*.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Sub-Divisional Code Authority for Ohio under the Bituminous Coal Code at a meeting held by it in Washington, D.C., on the 30th day of March, 1934.

R. L. IRELAND, *Secretary*.

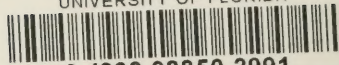
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